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7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 06-2007-183219

12 **WAZIR N. ALI, M.D.**
13 **17925 Gooseberry Drive**
Rowland Heights, California 91748

OAH No. 2010021087

**STIPULATED REVOCATION OF
PHYSICIAN'S AND SURGEON'S
CERTIFICATE AND ORDER**

14 **Physician's and Surgeon's Certificate No.**
15 **G83188**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Linda K. Whitney (Complainant) is the Interim Executive Director of the Medical
22 Board of California (Board). She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Colleen M. McGurrin, Deputy Attorney General.

25 2. Wazir N. Ali, M.D. (Respondent) is represented in this proceeding by attorney
26 Fredrick M. Ray, Esq., whose address is Fredrick M. Ray, Esq. A Professional Corporation
27 770 The City Drive, Suite 8100, Orange, California 92868-6927.
28

1 3. On or about June 28, 1996, the Board issued Physician's and Surgeon's Certificate
2 No. G83188 to Wazir N. Ali, M.D. The Certificate was in effect at all times relevant to the
3 charges brought in Accusation No. 06-2007-183219, was subject to a practice restriction and
4 suspension orders as further referenced in the following paragraphs, and said Certificate will
5 expire on August 31, 2011, unless renewed.

6 4. On or about September 30, 2008, the Board's request for a practice restriction,
7 pursuant to Penal Code section 23, was granted and Respondent was ordered, inter alia, to
8 immediately cease and desist from the consultation, examination, treatment, touching of and/or
9 otherwise practicing medicine on any and all female patients without a female chaperone present
10 at all times during the pendency of the criminal action until its final conclusion and sentencing.

11 5. On or about February 25, 2010, the Board filed an Ex Parte Petition for Interim
12 Suspension Order pursuant to Government Code section 11529 requesting an Ex Parte order
13 suspending Respondent's certificate. On or about March 4, 2010, the Ex Parte Petition was
14 granted and Administrative Law Judge, H. Stuart Waxman issued an order suspending
15 Respondent's license pending a noticed hearing on the Interim Suspension Petition, which was set
16 for March 22, 2010.

17 6. On or about March 22, 2010, the noticed hearing on the Petition for Interim
18 Suspension Order was heard before Administrative Law Judge H. Stuart Waxman. After the
19 hearing Judge Waxman granted the Petition and issued an Order suspending respondent's license
20 pending a full administrative hearing to determine respondent's fitness to practice medicine.

21 JURISDICTION

22 7. On or about April 5, 2010, Accusation No. 06-2007-183219 was filed by Linda K.
23 Whitney, solely in her official capacity as the Interim Executive Director of the Board, against
24 respondent, and is currently pending against Respondent. The Accusation and all other statutorily
25 required documents were properly served on Respondent on April 5, 2010. Respondent entered
26 into this Stipulated Revocation before filing a Notice of Defense in this matter. A true and
27 correct copy of Accusation No. 06-2007-183219 is attached as Exhibit "A" and incorporated
28 herein by reference.

1 ADVISEMENT AND WAIVERS

2 8. Respondent has carefully read and understands the charges and allegations in
3 Accusation No. 06-2007-183219. Respondent also has carefully read, fully reviewed and
4 discussed with counsel of record Frederick Ray, Esq., and understands the full effects of this
5 Stipulated Revocation and Order will have on his Physician's and Surgeon's Certificate.

6 9. Respondent is fully aware of his legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
8 his own expense; the right to confront and cross-examine the witnesses against him; the right to
9 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
10 the attendance of witnesses and the production of documents; the right to reconsideration and
11 court review of an adverse decision; and all other rights accorded by the California
12 Administrative Procedure Act and other applicable laws.

13 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
14 every right set forth above.

15 11. Respondent enters into this Stipulated Revocation at this time so that the Board will
16 not be required to conduct any further proceedings or hearings in this matter.

17 CULPABILITY

18 12. Respondent admits the truth of each and every charge and allegation in Accusation
19 No. 06-2007-183219, agrees that cause exists for discipline and hereby agrees that the Board shall
20 promptly revoke his Physician's and Surgeon's Certificate No. G83188.

21 13. For the purpose of resolving the Accusation without the expense of an administrative
22 hearing respondent enters into this Stipulated Revocation and Order freely and voluntarily, giving
23 up his right to contest the charges and allegations, and agrees to be bound by the Board's
24 imposition of discipline as set forth in the Order below.

25 CONTINGENCY

26 14. This stipulated revocation shall be subject to approval by the Board. Respondent
27 understands and agrees that counsel for Complainant and the staff of the Board may communicate
28 directly with the Board regarding this stipulated revocation, without notice to or participation by

1 Respondent or his counsel. By signing the stipulated revocation, Respondent understands and
2 agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time
3 the Board considers and acts upon it. If the Board fails to adopt this stipulated revocation as its
4 Decision and Order, the Stipulated Revocation and Order shall have no force or effect, except for
5 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
6 not be disqualified from further action by having considered this matter.

7 15. The parties understand and agree that facsimile copies of this Stipulated Revocation
8 and Order, including facsimile signatures thereto, shall have the same force and effect as the
9 originals.

10 16. In consideration of the foregoing admissions and stipulations, the parties agree that
11 the Board may, without further notice or formal proceeding, issue and enter the following Order:

12 **ORDER**

13 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G83188, issued
14 to Respondent Wazir N. Ali, M.D. is promptly revoked by the Board.

15 1. The revocation of Respondent's Physician's and Surgeon's Certificate and the
16 acceptance of the revoked and surrendered license by the Board shall constitute the imposition of
17 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
18 become a part of Respondent's license history with the Board.

19 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
20 California as of the effective date of the Board's Decision and Order.

21 3. Respondent shall cause to be delivered to the Board both his wall license certificate
22 and, if one was issued, pocket license on or before the effective date of the Decision and Order.

23 4. Respondent acknowledges that on February 9, 2010 he pleaded nolo contendere and
24 was convicted of two (2) misdemeanor counts of sexual battery by fraud of two female patients
25 under the guise of a medical examination in violation of Penal Code Section 243.4, subdivision
26 (c). For purposes of this Stipulation and Order, Respondent acknowledges and agrees that said
27 conviction requires that he register as a Sex Offender pursuant to Penal Code Section 290.
28 Respondent agrees that, except as provided in Business and Professions Code section 2232,

1 subdivision (c), he is barred from filing an application or petition with the Board for re-licensure
2 or reinstatement of his physician's and surgeon's certificate in the State of California.

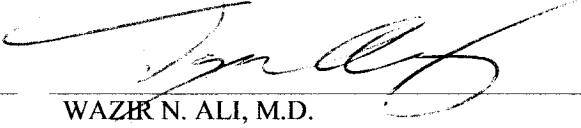
3 5. In the event Respondent is legally relieved of his obligation to register as a Sex
4 Offender under Penal Code section 290, respondent agrees that the provisions of Business and
5 Professions Code section 2307, pertaining to revoked licenses, shall still apply. In such case,
6 Respondent fully understands and agrees that if he ever files an application for licensure or a
7 petition for reinstatement in the State of California, the Board shall treat it as a petition for
8 reinstatement. Respondent must comply with all the laws, regulations and procedures for
9 reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges
10 and allegations contained in Accusation No. 06-2007-183219 shall be deemed to be true, correct
11 and admitted by Respondent when the Board determines whether to grant or deny the petition.

12 6. Should Respondent ever apply or reapply for a new license or certification, or
13 petition for reinstatement of a license, by any other health care licensing agency in the State of
14 California, all of the charges and allegations contained in Accusation No. 06-2007-183219 shall
15 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
16 Issues or any other proceeding seeking to deny or restrict licensure.

17 ACCEPTANCE

18 I, Wazir N.Ali, M.D., have carefully read this Stipulated Revocation of Physician's and
19 Surgeon's Certificate and Order and, after having fully discussed it and its consequences with my
20 attorney, Fredrick M. Ray, Esq., enter into it freely, voluntarily, intelligently, and with full
21 knowledge of its force and impact on my Physician's and Surgeon's Certificate No. G 83188, and
22 I agree to be bound by the Decision and Order of the Board.

23
24 DATED: 4/19/10


25 WAZIR N. ALI, M.D.
26 Respondent

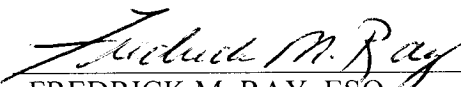
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1 I have read and fully discussed with Respondent Wazir N. Ali, M.D. the terms and
2 conditions and other matters contained in this Stipulated Revocation of Physician's and Surgeon's
3 Certificate and Order. I approve its form and content.

4
5 Dated:

4/20/2010


FREDRICK M. RAY, ESQ.
Attorney for Respondent

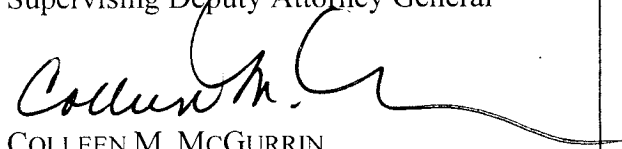
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7
8 ENDORSEMENT

9 The foregoing Stipulated Revocation of Physician's and Surgeon's Certificate and Order is
10 hereby respectfully submitted for consideration by the Board.

11 Dated: 4/20, 2010

Respectfully submitted,

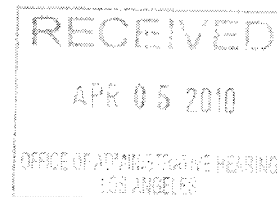
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18 Deputy Attorney General
19 *Attorneys for Complainant*

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EXHIBIT A
ACCUSATION

1 EDMUND G. BROWN JR.
2 Attorney General of California
3 COLLEEN M. MCGURRIN
4 Deputy Attorney General
5 State Bar No. 147250
6 300 South Spring Street, Suite 1702
7 Los Angeles, California 90013
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10 *Attorneys for Complainant*



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**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation against:

WAZIR N. ALI, M.D.
17925 Gooseberry Drive
Rowland Heights, California 91748

Physician's and Surgeon's Certificate No.
G83188

Case No. 06-2007-183219

OAH No.

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Director of the Medical Board of California (Board), Department of Consumer Affairs.

2. On or about June 28, 1996, the Board issued Physician's and Surgeon's Certificate No. G 83188 to Wazir N. Ali, M.D. (Respondent). At all times relevant to the charges brought herein Respondent's license was in effect and was subject to a practice restriction and order of suspension as further explained below, and will expire on August 31, 2011, unless renewed.

PROCEDURAL HISTORY

3. On or about September 30, 2008, the Board's request for a practice restriction, pursuant to Penal Code section 23, was granted and Respondent was ordered, inter alia, to immediately cease and desist from the consultation, examination, treatment, touching of and/or otherwise practicing medicine on any and all female patients without a female chaperone present

1 at all times during the pendency of the criminal action until its final conclusion and sentencing.

2 4. On or about February 25, 2010, the Board filed an Ex Parte Petition for Interim
3 Suspension Order pursuant to Government Code section 11529 requesting an Ex Parte order
4 suspending Respondent's certificate. On or about March 4, 2010, the Ex Parte Petition was
5 granted and Administrative Law Judge, H. Stuart Waxman issued an order suspending
6 Respondent's license pending a noticed hearing on the Interim Suspension Petition, which was set
7 for March 22, 2010.

8 5. On or about March 22, 2010, the noticed hearing on the Petition for Interim
9 Suspension Order was heard before Administrative Law Judge H. Stuart Waxman. After the
10 hearing Judge Waxman granted the Petition and issued an Order suspending respondent's license
11 pending a full administrative hearing to determine respondent's fitness to practice medicine.

12 JURISDICTION

13 6. This Accusation is brought before the Board under the authority of the following
14 laws. All section references are to the Business and Professions Code unless otherwise indicated.

15 7. Section 2004 of the Code states: "The Division of Medical Quality¹ shall have the
16 responsibility for the following:

17 (a) The enforcement of the disciplinary and criminal provisions of the Medical Practice
18 Act.

19 (b) The administration and hearing of disciplinary actions.

20 (c) Carrying out disciplinary actions appropriate to findings made by a medical quality
21 review committees, the division, or an administrative law judge.

22 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion of
23 disciplinary actions.

24
25
26 ¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008,
27 provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Bus.
28 & Prof. Code § 2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical
Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 (e) Reviewing the quality of medical practice carried out by physician and surgeon
2 certificate holders under the jurisdiction of the board."

3 8. Section 2227 of the Code provides that a licensee who is found guilty under the
4 Medical Practice Act may have his license revoked, suspended for a period not to exceed one
5 year, placed on probation and required to pay the costs of probation monitoring, or such other
6 action taken in relation to discipline as the Division deems proper.

7 9. Section 2232 of the Code, subdivision (a) mandates that the board shall promptly
8 revoke the license of any person who, at any time after January 1, 1947, has been required to
9 register as a sex offender pursuant to the provisions of Section 290 of the Penal Code.

10 10. Section 2236 of the Code states, in pertinent part: "(a) The conviction of any offense
11 substantially related to the qualifications, functions, or duties of a physician and surgeon
12 constitutes unprofessional conduct....

13 (b) ... (c)

14 (d) A...conviction after a plea of nolo contendere is deemed to be a conviction within the
15 meaning of this section.... The record of conviction shall be conclusive evidence of the fact that
16 the conviction occurred."

17 **PENAL CODE SECTIONS**

18 11. Section 23 of the Penal Code states, in pertinent part: "In any criminal proceeding
19 against a person who has been issued a license to engage in a . . . profession by a state agency
20 pursuant to provisions of the Business and Professions Code. . . , the state agency which issued the
21 license may voluntarily appear to furnish pertinent information, make recommendations regarding
22 specific conditions of probation, or provide any other assistance necessary to promote the
23 interests of justice and protect the interests of the public, or may be ordered by the court to do so,
24 if the crime charged is substantially related to the qualifications, functions, or duties of a
25 licensee."

26 12. Section 243.4, subdivision (c), of the Penal Code states, in pertinent part, that "Any
27 person who touches an intimate part of another person for the purpose of sexual arousal, sexual
28 gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act

1 because the perpetrator fraudulently represented that the touching served a professional purpose,
2 is guilty of sexual battery....”

3 13. Section 290 of the Penal Code states, in pertinent part:

4 “(a) Section 290. . . shall be known and may be cited as the Sex Offender Registration
5 Act...”

6 “(b) Every person described in subdivision (c), for the rest of his...life while residing in
7 California...shall be required to register with the chief of police of the city in which he...is
8 residing....”

9 “(c) The following persons shall be required to register: Any person who...has
10 been...convicted in any court in this state....of a violation of Section...243.4....”

11 14. Section 289, subdivision (d)(4), of the Penal Code states, in pertinent part that: “Any
12 person who commits an act of sexual penetration, and the victim is at the time unconscious of the
13 nature of the act and this is known to the person committing the act...shall be punished by
14 imprisonment.... As used in this subdivision, ‘unconscious of the nature of the act’ means
15 incapable of resisting because the victim meets one of the following conditions: (4) Was not
16 aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the
17 perpetrator’s fraudulent representation that the sexual penetration served a professional purpose
18 when it served no professional purpose.”

19 15. Section 17, subdivision (b)(4), of the Penal Code states, in pertinent part, that when a
20 crime is punishable, in the discretion of the court, by imprisonment in the state prison or... county
21 jail, it is a misdemeanor for all purposes under the following circumstances: (4) When the
22 prosecuting attorney files...a complaint specifying that the offense is a misdemeanor....”

23 **CAUSE FOR DISCIPLINE**

24 (Conviction of a Crime Requiring Sex Offender Registration and Conviction of a Crime
25 Substantially Related to the Qualifications, Functions, or Duties of a Physician and Surgeon)

26 16. Respondent is subject to disciplinary action under sections 2232 and 2236 of the
27 Code in that he was convicted of two counts of sexual battery by fraudulently representing that
28 the touching served a professional purpose of two female patients which requires Respondent to

1 register as a sex offender pursuant to section 290 of the Penal Code and is substantially related to
2 the qualifications, functions, or duties of a physician and surgeon. The circumstances are as
3 follows:

4 17. On or about September 11, 2008, a felony complaint for arrest warrant was filed in
5 the matter of the *People of the State of California v. Wazir Nadir Ali*, Los Angeles Superior Court
6 case number VA107378, alleging five (5) counts of sexual penetration by a foreign object, in
7 violation of Penal Code section 289(d), and one (1) count of sexual battery by fraudulently
8 representing that the touching served a professional purpose, in violation of Penal Code section
9 243.4(c) regarding patient victims Sabryna G. and Arlene C.²

10 18. On or about September 30, 2008, the criminal Felony Complaint was amended adding
11 an additional count of sexual battery by fraudulently representing that the touching served a
12 professional purpose in violation of Penal Code section 243.4(c) regarding another female patient.
13 In addition, on that date the Board requested a restriction on the Respondent's medical practice
14 during the pendency of the criminal action and sentencing pursuant to Penal Code section 23.
15 After the hearing, the court signed an order restricting respondent's practice and ordering him to
16 immediately cease and desist from the consultation, examination, treatment, touching of and/or
17 otherwise practicing medicine on any and all female patients without a female chaperone present
18 at all times, inter alia.

19 19. On or about December 15, 2008, the criminal Felony Complaint was amended again
20 adding an additional count of sexual penetration by a foreign object, in violation of Penal Code
21 section 289(d) regarding another female patient.

22 20. On or about June 2, 2009, a criminal Information was filed in the matter of the *People*
23 *of the State of California v. Wazir N. Ali*, Los Angeles Superior Court case number VA107378.

24 21. On or about December 1, 2009, the criminal Information was amended adding an
25 additional count for sexual battery by fraud in violation of Penal Code section 243.4(c).

26 22. On or about February 9, 2010, the prosecuting attorney orally amended the

27 ² For privacy, the patients in the Accusation will be identified by their first name and last initial. The full name will be
28 disclosed to Respondent upon timely request for discovery pursuant to Government Code section 11507.6.

1 Information in *People v. Ali*, case number VA107378, reducing the felony sexual battery by fraud
2 allegations, Counts 6 and 9, to misdemeanors pursuant to Penal Code section 17(b)(4).

3 Respondent then pleaded nolo contendere to Count 6, sexual battery by fraudulently representing
4 that the touching served a professional purpose regarding patient victim Sabryna G., and Count 9,
5 sexual battery by fraudulently representing that the touching served a professional purpose
6 regarding patient victim Arlene C., in violation of Penal Code section 243.4, subdivision (c).

7 Respondent was immediately sentenced and ordered to register as a Sex Offender as prescribed
8 by Penal Code section 290, to enroll in and complete a six (6) month sexual offenders counseling
9 program, and was placed on three (3) years summary probation, inter alia.

10 23. Business and Professions Code section 2232, mandates that the Board promptly
11 revoke Respondent's medical license since he is required to register as a sex offender, pursuant to
12 Section 290 of the Penal Code, as a result of his pleas and resulting convictions for the sexual
13 battery of two female patients by fraudulently representing that the touching served a professional
14 purpose.


15 **PRAYER**

16 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board issue a decision:

18 1. Revoking Physician's and Surgeon's Certificate Number G 83188, issued to Wazir N.
19 Ali, M.D.; and

20 2. Taking such other and further action as deemed necessary and proper.

21 DATED: April 5, 2010

22 
LINDA K. WHITNEY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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